

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWARD EARL THOMAS,

Plaintiff,

v.

Case number 06-10196
Honorable David M. Lawson

EASTERN DISTRICT OF MICHIGAN,
Bay City, Michigan,

Defendant.

**ORDER OVERRULING OBJECTIONS, ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION,
AND DENYING PLAINTIFF'S MOTION FOR PROTECTION**

This matter is before the Court on two motions filed by the plaintiff. The first seeks protection for himself and his family and the second appears to be objections to a report issued by Magistrate Judge Charles E. Binder on January 30, 2006 recommending that the Court dismiss the case with prejudice. The Court has reviewed the objections *de novo* and finds that both submissions present no grounds for relief. The Court therefore will deny the plaintiff's first motion, overrule the plaintiff's objections, adopt the report and recommendation, and dismiss the case with prejudice.

The basis for the magistrate judge's recommendation was that the plaintiff had not obtained prior approval of this Court to file the lawsuit and that the underlying cause of action was frivolous.

Noting that Plaintiff is "a frequent litigator in this Court," that the "federal courts have a 'responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others,'" and that the "Sixth Circuit has long recognized a district court's power to limit the filing of lawsuits by vexatious litigants" (citations omitted), on May 18, 2004, Judge Lawson found that Plaintiff's "filing history demonstrates an abuse of the legal process as well as a waste of this Court's resources." (*Thomas v. State Courthouse*, 04-10087, Dkt. 7.) As a result, Judge Lawson enjoined Plaintiff from filing any further lawsuits without the prior permission of the Court.

I suggest that pursuant to that order, this purported “complaint” also be dismissed with prejudice. Plaintiff purports to cite rules of procedure that do not exist. The gravamen of Plaintiff’s “complaint” is entirely incomprehensible to this judicial officer. I can find no meaningful cause of action raised against this Court, its officers, or anyone else. Plaintiff’s allegations amount to little more than neatly handwritten strings of meaningless words. I suggest that the reasons underlying Judge Lawson’s earlier injunction apply equally to this “complaint,” which I conclude is totally frivolous. Accordingly, I suggest that dismissal with prejudice is appropriate.

Report & Recommendation at 2-3.

In his objections, entitled “motion for supplemental brief, appeal if needed, De no vo,” the plaintiff writes that the Court has no right to bar him from filing lawsuits. According to the plaintiff, he has never filed three malicious suits in this Court. That happened in Grand Rapids, Michigan, and the judge there subsequently vacated the order barring him from filing additional lawsuits. The plaintiff believes that the Court is required to send a summons to the United States Marshal Service; the Court would not engage in “mischief”; and the magistrate judge uses “hate crimes.” He warns that the Court will be investigated.

The Court has considered the plaintiff’s objections and finds that they fail to establish that the plaintiff has stated a viable legal claim against the Eastern District of Michigan. If anything, the objections support the magistrate judge’s conclusion that the “gravamen of Plaintiff’s complaint is entirely incomprehensible.” The magistrate judge therefore correctly concluded that the case should be dismissed with prejudice.

Accordingly, it is **ORDERED** that the plaintiff’s motion for protection [dkt # 5] is **DENIED**.

It is further **ORDERED** that the magistrate judge's report and recommendation is **ADOPTED**, the plaintiff's objections [dkt # 7], styled motion for supplemental brief, are **OVERRULED**, and the complaint is **DISMISSED** with prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 16, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 16, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS